

**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MARCH 4, 2003  
COUNTY COMMISSIONERS CHAMBERS, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
1:30 P.M.**

Commissioners Present: Bernie Heier, Chair  
Larry Hudkins  
Deb Schorr  
Bob Workman

Commissioners Absent: Ray Stevens, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer  
David Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 25, 2003. (A copy of these minutes is on file in the office of the Lancaster County Clerk or can be accessed at <http://www.ci.lincoln.ne.us>)

**MOTION:** Hudkins moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated February 25, 2003. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **SPECIAL PRESENTATIONS:**

**A. Induction of members into the Star City Super Star Hall of Fame - Sandi Witkowicz, Lincoln-Lancaster Convention and Visitors Bureau.**

Sandi Witkowicz, Director of the Lincoln-Lancaster Convention and Visitors Bureau, introduced and announced that the following individuals would be inducted into the Star City Super Star Hall of Fame:

3) **SPECIAL PRESENTATIONS CONTINUED:**

- ▶ Judy Berg, Educational Consultant in Family and Consumer Sciences Education for the Nebraska Department of Education and State Advisor for the Nebraska Association of Family, Career and Community Leaders of America.
- ▶ Gregg Christensen, Director of Marketing and Entrepreneurship Education for the Nebraska Department of Education and State Advisor for Nebraska DECA.
- ▶ Richard Katt, Administrator for Career and Technical Education for the Nebraska Department of Education and past Executive Director of State Future Farmers of America.

**MOTION:** Workman moved and Hudkins seconded approval of a proclamation inducting Judy Berg, Gregg Christensen and Richard Katt into the Star City Super Star Hall of Fame. Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

The Clerk announced that a special request had been made to move New Business Item 8K forward to be heard under Special Presentations.

**NEW BUSINESS ITEM 8K:**

**Appointment of Stan Matzke to the Lancaster County Board of Zoning Appeals for a five year term, beginning April 1, 2003 and ending April 1, 2008.**

Stan Matzke, appointee, appeared and stated he appreciated the nomination and was willing to serve on the Board of Zoning Appeals.

**MOTION:** Schorr moved and Hudkins seconded approval of the appointment of Stan Matzke to the Lancaster County Board of Zoning Appeals for a five year term, beginning April 1, 2003 and ending April 1, 2008. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

4) **CLAIMS FOR REVIEW:**

A. Payment Voucher 751-0568 dated February 21, 2003 - Clerk of the District Court has requested payment to Brenda Jones, totaling \$135.69, for mileage between April 2, 2002 and January 16, 2003. \$116.07 of the claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

**MOTION:** Workman moved and Hudkins seconded approval of Payment Voucher 751-0568, dated February 21, 2003, from the Clerk of the District Court requesting payment to Brenda Jones, totaling \$135.69, for mileage between April 2, 2002 and January 16, 2003. Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

5) **CLAIMS:** Approval of all claims processed through Tuesday, March 4, 2003.

**MOTION:** Workman moved and Hudkins seconded approval of all claims processed through March 4, 2003. Hudkins, Workman, Schorr and Heier voted aye. Motion carried.

6) **PUBLIC HEARINGS:**

A. Automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution 5351 adopted July 2, 1995 for which the County Clerk has received no protests.

Ampride #104	Merle's Food & Drink
Branched Oak Marina	Mike's 66
The C-Station #103	North Forty Golf
Coaches Sports Bar & Grill	Outpost Tavern
Crooked Creek Golf Club	P.O. Pears on the Lake
Dusty's Bar & Grill	Pawnee Marina
Emerald Mini-Mart	Pla-Mor Ballroom
Firethorn Golf Club	Raymono's Pizza Plus
Fosters Tap	Shoemaker's South Truck Stop
Gas 'N Shop	Star City Hockey LLC
Hi Mark Golf Club	Tony's Corner
Hidden Valley Golf Course & Club	U-Stop Convenience Shop
Hillcrest Country Club	Veterans FW 3606

6) PUBLIC HEARINGS CONTINUED:

James Arthur Vineyards  
Lincoln Izaak Walton League  
Major Oil Company

Yankee Hill Amoco  
Yankee Hill Country Club

The Chair opened the public hearing and asked if anyone wished to testify.

No one appeared and the hearing was closed.

Workman asked Terry Wagner, County Sheriff, if there had been any problems with any of the establishments.

Wagner responded that there had been violations by certain licensees but, there would have to be three violations in a one year period in order to request the licensee(s) to complete a long form. He said none of the licensees have had three or more violations.

**MOTION:** Hudkins moved and Schorr seconded to grant the automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution 5351 adopted July 2, 1995 for which the County Clerk has received no protests. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

**B. A petition from ten percent of the property owners within the Yankee Ridge Subdivision for formation of a Special Paving Improvement District for the paving of Rebel Drive, South 60<sup>th</sup> Street, South 61<sup>st</sup> Court, South 63<sup>rd</sup> Street, Marlyn Road, South 64<sup>th</sup> Circle, South 65<sup>th</sup> Street, Bolton Road, South 66<sup>th</sup> Street and South 68<sup>th</sup> Street, all located within the Yankee Ridge Subdivision. The proposed District shall be called the Yankee Ridge Road Improvement District.**

The Chair opened the public hearing and asked if anyone wished to testify in favor of the proposal.

The Clerk administered the oath to J. Michael Rierden, attorney representing the petitioners.

Rierden gave a brief explanation of the procedure and requested that the petition for formation of the Special Paving Improvement District and accompanying map be made a part of the record (Exhibit 1).

6) **PUBLIC HEARINGS CONTINUED:**

Rierden also distributed a map outlining the paving improvement district (Exhibit 2) .

In response to a question asked by Workman, Rierden stated there had been no opposition to the paving district.

The Clerk administered the oath to Don Thomas, County Engineer.

Thomas stated that his office had no objections to the boundaries as outlined.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

It was noted that action would be taken on March 11, 2003.

7) **OLD BUSINESS:**

**A. A Region V network provider contract for services under the Projects for Assistance in Transition from Homelessness (PATH). The County, through the services of the Community Mental Health Center, would provide outreach services, community mental health services and screening and diagnostic services. The term of the agreement is October 1, 2002 to September 30, 2003. The County shall be paid up to \$32,500 for the services. The County will provide up to \$10,833. (C-02-0566)**

David Johnson, Deputy County Attorney, appeared and referred to Page 6, Section 6A-3 of the contract explaining that his office has concerns regarding the clause that the County must submit to the jurisdiction of Public Counsel.

Johnson stated he had talked to Sam Kaplan with the legal department of Health and Human Services, who indicated to him he would look into the matter. It was noted that no update has been received from Mr. Kaplan.

Dean Settle, Community Mental Health Center Administrator, appeared and stated if the County Board does not approve the contract soon, the County will lose the money and it will be redirected to Region VI. He also stated that the scope of work, as outlined in the contract, has been completed.

7) **OLD BUSINESS CONTINUED:**

**MOTION:** Workman moved and Schorr seconded approval of a Region V network provider contract for services under the Projects for Assistance in Transition from Homelessness (PATH). The County, through the services of the Community Mental Health Center, would provide outreach services, community mental health services and screening and diagnostic services. Schorr, Workman and Heier voted aye. Hudkins abstained from voting. Motion carried.

8) **NEW BUSINESS:**

**A. An agreement with HIPAA Academy for training and consulting services relating to the Health Insurance Portability and Accountability Act (HIPAA). The cost of the services shall not exceed \$10,000 plus the cost of training manuals and certification exams. Additional consulting services are available at the hourly rates stated in the agreement. (C-03-0069)**

**MOTION:** Hudkins moved and Workman seconded approval of an agreement with HIPAA Academy for training and consulting services relating to the Health Insurance Portability and Accountability Act (HIPAA). The cost of the services shall not exceed \$10,000 plus the cost of training manuals and certification exams. Additional consulting services are available at the hourly rates stated in the agreement. Hudkins, Workman, Schorr and Heier voted aye. Motion carried.

**B. An agreement with United Healthcare setting forth rates for the employee health insurance plan for the plan year beginning January 1, 2003 and ending December 31, 2003. (C-03-0070)**

Johnson requested that the proposal and policy guidelines be made a part of the agreement on file in the County Clerk's Office

In response to a question asked by Hudkins, Diane Staab, Deputy County Attorney, explained that the rates were a result of the request for proposal (RFP) which was completed last spring. She stated the County is locked into the plan and rates for the calendar year. If the plan were to be changed, it would have to be negotiated with United Healthcare for the following year.

8) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Workman seconded approval of an agreement with United Healthcare setting forth rates for the employee health insurance plan for the plan year beginning January 1, 2003 and ending December 31, 2003. Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

**C. An agreement with Great Plains Appraisal Company for supervision and coordination of valuation protests filed for the 2003 tax year and appearing before Lancaster County Board of Equalization. The coordinator is also responsible for ensuring that all papers related to such protests along with written findings and recommendations are made available to the Board. The referee coordinator shall be reimbursed at a rate of \$680 per working day up to \$96,000. (C-03-0078)**

**MOTION:** Schorr moved and Workman seconded approval of an agreement with Great Plains Appraisal Company for supervision and coordination of valuation protests filed for the 2003 tax year and appearing before Lancaster County Board of Equalization. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

**D. A contract with Sealcoat Service, Inc. d/b/a SCS Construction Company of Omaha, Nebraska to provide services on County Project 03-29 for cracking sealing at the following locations:**

- ▶ **Firth Road from Highway 77 east 10.9 miles to Highway 43 except for a 0.5 mile portion of Firth Road west of Everett Street (in Firth).**
- ▶ **Hallam Road from Southwest 100<sup>th</sup> Street east 3.5 miles to the Village of Hallam.**
- ▶ **Panama Road from South 68<sup>th</sup> Street east 6.3 miles to the Village of Panama.**
- ▶ **South 68<sup>th</sup> Street from Princeton Road north 2 miles to Panama Road.**

**The County shall pay \$14,450 for the services. The work shall be performed between February 17, 2003 to April 18, 2003. (C-03-0079)**

8) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Workman seconded approval of a contract with Sealcoat Service, Inc. d/b/a SCS Construction Company of Omaha, Nebraska to provide services on County Project 03-29 for crack sealing at various locations within the County. Hudkins, Workman, Schorr and Heier voted aye. Motion carried.

**E. A grant contract with Family Service Association, Inc. for funding for the development of three Families and Schools Together (FAST) programs. The County shall make a grant in the amount of \$21,600. The term of the grant contract is October 1, 2002 to September 30, 2003. (C-03-0080)**

**MOTION:** Workman moved and Hudkins seconded approval of a grant contract with Family Service Association, Inc. for funding for the development of three Families and Schools Together (FAST) programs. The County shall make a grant in the amount of \$21,600. The term of the grant contract is October 1, 2002 to September 30, 2003.

Schorr clarified that the name Family Service Association (FAST) was changed to Connecting Families and Schools (CFAS).

**ROLL CALL:** Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

**F. An agreement with Reynolds Davis for the provision of services as a Project Manager for the provision of the Community Emergency Response Team program and training. The term of the agreement is February 1, 2003 to January 31, 2004. The County shall pay \$44, 640 for the services. (C-03-0082)**

Johnson requested that approval of the agreement be with the addition of the following clause: "Whereas, the County was granted a Sub-Recipient Award FY2002 Supplemental Funding Grant for Community Emergency Response Team Training, by the Nebraska Emergency Management Agency which authorized the County to conduct training throughout the State and also provided funding for said training."

8) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Workman seconded approval of an agreement with Reynolds Davis for the provision of services as a Project Manager for the provision of the Community Emergency Response Team program and training. Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

**G. Authorization for Gary Lacey as the Lancaster County Attorney to sign a user agreement with the Nebraska State Patrol to connect with the Combined Law Enforcement Network for the exchange of criminal justice related information between the system and the County Attorney's Office. The agreement allows access and use of National Crime Information Center and the National Law Enforcement Telecommunications System functions which includes administrative messages and criminal history records. (C-03-0081)**

**MOTION:** Workman moved and Schorr seconded approval to authorize Gary Lacey as the Lancaster County Attorney to sign a user agreement with the Nebraska State Patrol to connect with the Combined Law Enforcement Network for the exchange of criminal justice related information between the system and the County Attorney's Office. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

**H. Application from Lancaster County to the Nebraska Department of Environmental Quality regarding Phase II of a National Pollutant Discharge Elimination System (NPDES) Small MS4 permit.**

Doug Pillard, Design Division Head of the County Engineering Department, appeared and briefly explained the application. He stated a waiver was requested through the Department of Environmental Quality, however, they indicated they could not act on it prior to March 10<sup>th</sup> which is the deadline for returning the application. Pillard noted that the Department of Environmental Quality did indicate they would act on the waiver before reviewing the application.

Kerry Eagan, Chief Administrative Officer, appeared and requested that the motion include sending a cover letter requesting that action be taken on the waiver prior to acting on the permit.

8) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Schorr seconded approval to submit an application from Lancaster County, including a cover letter, to the Nebraska Department of Environmental Quality regarding Phase II of a National Pollutant Discharge Elimination System (NPDES) Small MS4 permit and to include a cover letter. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

**I. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Land Construction, Inc., in the amount of \$124,224.90, for culvert replacement and maintenance at various locations within the County; Project 03-21. (B-03-0009)**

**MOTION:** Hudkins moved and Workman seconded approval to award a bid to Land Construction, Inc., in the amount of \$124,224.90, for culvert replacement and maintenance at various locations within the County; Project 03-21. Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

**J. A political subdivision tort claim filed against Lancaster County by Tim Bruder, in the amount of \$1,969, for damage to his vehicle.**

**MOTION:** Schorr moved and Hudkins seconded denial of the political subdivision tort claim filed against Lancaster County by Tim Bruder, in the amount of \$1,969, for damage to his vehicle.

Johnson referred to a copy of a check from Continental Western Group, in the amount of \$1,969, paid to the claimant, as well as a release signed by Mr. Bruder. He explained that the County's auto coverage covered the claim and the claimant was paid.

**ROLL CALL:** Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

**K. Appointment of Stan Matzke to the Lancaster County Board of Zoning Appeals for a five year term, beginning April 1, 2003 and ending April 1, 2008.**

This item was previously heard under Special Presentations.

8) **NEW BUSINESS CONTINUED:**

L. **Appointment of the following individuals to the Commissioners Award of Excellence Committee for two year terms, expiring on January 31, 2005:**

- ▶ **Marvin Little with the County Engineering Department**
- ▶ **Mark Helling with the Corrections Department**
- ▶ **Jim Baird, Jr. with the Sheriff's Office**

**MOTION:** Workman moved and Schorr seconded approval of the appointments to the Commissioners Award of Excellence Committee. Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

9) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. **A leasehold contract relating to culvert construction between the Lancaster County Engineering Department and Douglas Rejcha, in the amount of \$10, on Southwest 58<sup>th</sup> Street north of Princeton Road and Southwest 58<sup>th</sup> Street north of West Princeton Road; Project C.P.W-7 and C.P.W-8. (C-03-0071)**

B. **Right-of-way contracts relating to road and/or culvert construction between the Lancaster County Engineering Department and the following individuals:**

- ▶ **Joseph and Franklin Cerveny on Southwest 58<sup>th</sup> Street north of Princeton Road and on Southwest 58<sup>th</sup> Street north of West Princeton Road; Project C.P.W-7 and C.P.W-8. This is a donation. (C-03-72)**
- ▶ **Larry Etmund on Panama Road west of South 25<sup>th</sup> Street; Project C.P.W-234. This is a donation. (C-03-0073)**
- ▶ **Doris and Eugene Richtarik and Gladys and Theodore Schmidt, in the amount of \$5,175, on North 162<sup>nd</sup> Street from Highway 6 to Salt Creek Road; Project C55-H-410(1). (C-03-0074)**

9) **CONSENT ITEMS CONTINUED:**

- ▶ **Wiebers-Bell Family Farm Partnership, in the total amount of \$4,953, on North 162<sup>nd</sup> Street between Highway 6 and Salt Creek Road; Project C55-H-410(1). (3 contracts) (C-03-0075 through C-03-0077)**

**MOTION:** Hudkins moved and Workman seconded approval of the Consent Items. Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

10) **ADJOURNMENT:**

**MOTION:** Workman moved and Schorr seconded adjournment of the Board of Commissioners meeting at 2:22 p.m. Hudkins, Workman, Schorr and Heier voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, MARCH 4, 2003  
COUNTY COMMISSIONERS CHAMBERS, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Bernie Heier, Chair  
Larry Hudkins  
Deb Schorr  
Bob Workman

Commissioners Absent: Ray Stevens, Vice Chair

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
David Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 2:23 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 25, 2003. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

**MOTION:** Hudkins moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated February 25, 2003. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **ADDITIONS AND DEDUCTIONS:**

**Approval of 223 additions and deductions to the tax assessment rolls per Exhibit A.**

**MOTION:** Schorr moved and Hudkins seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Bethlehem Covenant Church  
Catholic Social Services  
Christ's Place  
Nebraskans for Public Television, Inc.  
St. Monica's**

Workman requested that the motor vehicle tax exemption for Bethlehem Covenant Church be acted on separately due to a conflict of interest.

**MOTION:** Workman moved and Hudkins seconded approval of motor vehicle tax exemptions for Catholic Social Services, Christ's Place and Nebraskans for Public Television, Inc. and to also approve a motor vehicle tax exemption for St. Monica's subject to the vehicle(s) being titled and registered to the applicant. Workman, Heier, Schorr and Heier voted aye. Motion carried.

**MOTION:** Hudkins moved and Schorr seconded approval of a motor vehicle tax exemption for Bethlehem Covenant Church. Hudkins, Schorr and Heier voted aye. Workman abstained from voting. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Workman moved and Hudkins seconded adjournment of the Board of Equalization meeting at 2:25 p.m. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

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Bruce Medcalf  
County Clerk